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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,961

04/14/2004

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ERIC . P0347US

5440

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03/14/2008

EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/823,961

**Applicant(s)**

BIRLI ET AL.

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-13,17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,13,17-19,25 and 30 is/are rejected.
- 7) ☒ Claim(s) 8-12,20-24 and 26-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the Final Office Action for the serial number 10/823,961, THREADED ROD HANGER, filed on 4/14/04.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-7, 13, 17-19, 25 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 6,050,766 to Kies et al.

Kies et al. teaches a hanger comprising a body (10) including a threaded rod receiving portion (18) accommodating a vertically extending threaded rod (20) therethrough and an insert clip (12) in the rod receiving portion gripping the threaded rod to secure it in vertical position. The rod receiving portion includes a sheet metal housing (14,15,16, column 1, line 44) with slots (22-23) in opposite side walls generally parallel to the rod. The insert clip has U-shape and parallel spring legs (column 1, 53,67-68) having a linear of grooves (69-70) forming a thread form profile in each leg. The thread form profiles are offset by one half the pitch of the threads of rod (column 3, line 60). The housing has angled projections (54-55) to guide tips of the legs of the insert clip from one set of the slots to another slots. The angled projections engage and back up and back up the legs. The tips of the legs project through the slots of one wall. The

spring legs have projections (72-73). The sheet metal housing includes a rear wall (14-16) that is attached to side walls and rear wall is substantially perpendicular to both of the side walls.

***Allowable Subject Matter***

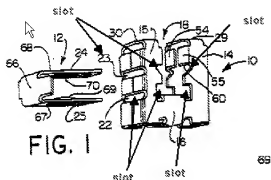
Claims 8-12, 20-24 and 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 12/18/07 have been fully considered but they are not persuasive.

The applicant argues Kies' sheet metal body is not adapted to be secured to a building structure. The examiner disagrees with the applicant because the body of Kies has the ability of being secured to the building structure by placing it against stud or drywall and a fastener can be provided to secure the body against stud or drywall.

The applicant states "Kies does not teach or suggest slots in opposite side walls of a sheet metal housing, to receive an insert clip." The examiner disagrees with the applicant because the slots in Kies's invention are located in opposite side walls and they are designed to receive the insert clip as shown in figure 6. See diagram of figure 1 for clarification shown below:



The applicant argues Kies does not teach “angled projections to guide tips of the legs of the insert clip from one set of the slots to another set of the slots”. The examiner disagrees with the applicant because the angled projections (54 and 55) control and maintain the location of the guide tips of the legs within the slot. Without the angled projections, the insert clip would not maintain in horizontal position with respect to slots. The angled projections are folded in 90 degrees angle of the body.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at [Joey.Wujciak@uspto.gov](mailto:Joey.Wujciak@uspto.gov). The fax machine telephone number for the Technology Center is (571) 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary examiner  
A. Joseph Wujciak III  
Art Unit 3632  
3/4/08

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632

**Search Notes (continued)****Application/Control No.**

10/823,961

**Applicant(s)/Patent under  
Reexamination**

BIRLI ET AL.

**Examiner**

Alfred Joseph Wujciak III

**Art Unit**

3632

**SEARCHED**

Class	Subclass	Date	Examiner
updated	search	3/4/2008	AJW

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR

**Application Number****Application No.**

10/823,961

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